

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

IRON WORKERS DISTRICT COUNCIL  
OF SOUTHERN OHIO & VICINITY  
BENEFIT TRUST, *et al.*,

Case No. 3:14-cv-368

Plaintiffs,  
vs.

K-COR, LLC, *et al.*,  
  
Defendant.

District Judge Thomas Rose  
Magistrate Judge Michael J. Newman

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**AGREED JUDGMENT ENTRY AS TO DEFENDANT K-COR, LLC ONLY**

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Plaintiffs Iron Workers District Council of Southern Ohio & Vicinity Benefit Trust, Pension Trust, and Annuity Trust (collectively “Plaintiffs”) filed a complaint against Defendant K-Cor, LLC (“K-Cor”) (Plaintiffs and Defendant K-Cor shall be referred to collectively as “Parties”), among others, on October 27, 2014. In addition to injunctive relief, Plaintiffs sought to recover all unpaid employer fringe benefit contributions, liquidated damages, interest, attorneys’ fees, and costs.

The Parties have determined that Plaintiffs are currently owed: 1) \$182,190.27 in unpaid fringe benefit contributions; 2) \$9,927.05 in liquidated damages; 3) \$49,957.63 in interest; and 4) \$76,919.57 in attorneys’ fees and costs (collectively “Debt”). Accordingly, Plaintiffs and Defendant K-Cor have reached an agreement with respect to the Debt, which they seek this Court to adopt as an Agreed Order.

For good cause shown, and upon agreement of the parties, it is **ORDERED** that K-Cor:

1. Is liable for the full amount of the Debt of \$318,994.52 and any other employer fringe benefit contributions, liquidated damages, interest, attorneys’ fees and costs found due and owing;

2. Is hereby prohibited pursuant to Section 502(g)(2)(E) of ERISA from future violations of Section 515 of ERISA, 29 U.S.C. § 1145, with respect to the Plaintiffs;
3. Must comply with the request of Plaintiffs' auditor to examine and review the documents necessary to complete a payroll audit -- with the costs of such accounting to be paid by K-Cor -- should the Plaintiffs determine such an audit is necessary;
4. Disgorge itself of all ill-gotten gains, including for employer fringe benefit contributions that have been wrongfully withheld from the Plaintiffs; and
5. Pay post-judgment interest pursuant to 28 U.S.C. § 1961.

The parties, through counsel, jointly agree that this is a fair and equitable resolution of the matter and believe the agreement is not unconscionable. *See* docs. 39, 39-1

**IT IS SO ORDERED.**

March 3, 2016  
Date: \_\_\_\_\_

s/Thomas M. Rose  
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Thomas M. Rose  
United States District Judge